

On March 31, 2020, Sea Island Acquisition, LLC (“SIA”) filed a Notice of Groin Tie-In Removal pursuant to a Consent Order between it and the Georgia Department of Natural Resources. ECF No. 75. The groin tie-in was removed pursuant to the Consent Order, which

returns the length of the groin to its originally permitted length prior to the July 2019 permit modification. *See id.*

In response to the above-noticed actions, on April 1, 2020, the Corps sought a two week extension in the briefing schedule regarding Plaintiffs' motions for summary judgment (ECF Nos. 68 and 70) so it may evaluate the information noticed by SIA. *See* ECF No. 76. This extension request was unopposed and ultimately granted by this Court on April 2, 2020. ECF No. 77.

The Corps has determined that in light of the above information, it will notice to SIA an additional permit modification in accordance with 33 C.F.R. § 325.7. A copy of this noticed permit modification is attached hereto as Exhibit 1 and a copy of the Corps' Memorandum for the Record outlining the Corps' reasoning in issuing SIA's second permit modification is attached hereto as Exhibit 2.

Pursuant to 33 C.F.R. Appendix B to Part 331, SIA must review the terms and conditions of the noticed permit modification and determine if it accepts the terms and conditions. If SIA accepts the terms and conditions of the noticed permit modification, the applicant must sign and return the permit modification to the Corps.

Federal Defendants do not believe that the permit modification impacts the current litigation and Plaintiffs' claims.

Respectfully submitted April 17, 2020 by

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